IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 4126 of 2006()

CC.1342/2004 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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PETITIONER: 1ST ACCUSED.

SANDHYA P.NAIR, W/O.SANTHOSH KUMAR,
AGED 32 YEARS, SANTHOSH BHAVAN,
EDAVATTOM, EZHUKONE P.O.,
KUNDARA, KOLLAM DISTRICT.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS: STTE/DEFACTO COMPLAINANT.

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1. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUDHEENDRA PANICKER,
SENIOR MANAGER,
KSFE LTD., EZHUKONE BRANCH, KOLLAM.

R1 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4126 of 2006

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Dated this the 9th day of January, 2007

O R D E R

This petition is filed by the petitioner, who is the first accused in a prosecution, inter alia, under Sections 465 and 120B r/w. 34 I.P.C.

2. The crux of the allegation is that the petitioner/first accused, in pursuance of a criminal conspiracy, got a false certificate issued by the third respondent in favour of the 2nd respondent and made use of that certificate to offer the 2nd respondent as a surety for a loan transaction of the petitioner with the Kerala State Financial Enterprises. Investigation is complete. Final report/charge sheet has already been filed. Cognizance has been taken. The petitioner has already entered appearance before the learned Magistrate. Co-accused have not entered appearance so far, it is submitted.

2. After discussions at the Bar, the learned Counsel for the petitioner only prays that the petitioner may be permitted to raise all her contentions before the learned Magistrate to claim discharge under Section 239 Cr.P.C. The petitioner shall, of course, have the

right to claim such discharge even without any specific observation by this Court. The petitioner shall be entitled to claim discharge, which claim shall be considered by the learned Magistrate on merits.

3. The only other submission of the learned counsel for the petitioner is that the petitioner may be permitted to appear through counsel. It is for the petitioner to make a proper application for exemption and I have no reason to assume that the learned Magistrate shall not consider the same on merits and in accordance with law.

4. With the above observations this Crl.M.C. is dismissed as agreed.

(R. BASANT)
Judge

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